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FILED
HARRISBURG
APR 27 2000
MARY E. HARRISBURG
Per [Signature]
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

STAMBAUGH'S AIR SERVICE, INC., :

Plaintiff :

v. :

CASE NO. 1:CV-00-0660

SUSQUEHANNA AREA REGIONAL
AIRPORT AUTHORITY, BAA
HARRISBURG, INC., DAVID FLEET,
individually, DAVID HOLDSWORTH,
individually, and DAVID C. MCINTOSH,
individually, :

Defendants :

Judge Yvette Kane
Magistrate Judge J. Andrew Smyser

MOTION FOR EXTENSION OF TIME

NOW COMES, Susquehanna Area Regional Airport Authority ("SARAA"), BAA Harrisburg, Inc. ("BAA"), David Fleet ("Fleet"), David Holdsworth ("Holdsworth") and David C. McIntosh ("McIntosh"), (collectively "Defendants"), by and through their attorneys, Rhoads & Sinon LLP, and files this Motion for Extension of Time, stating as follows:

1. This matter was commenced by Stambaugh's Air Service, Inc. ("Plaintiff") by Complaint filed on or about April 10, 2000.

2. Defendants were served with a copy of the Summons and Complaint during a SARAA Board meeting on April 11, 2000.

3. Defendants subsequently forwarded the Complaint to counsel.

4. Defendants are required to file a response to the Complaint on or before May 1, 2000.

5. The Complaint contains 237 paragraphs and alleges seven counts against Defendants as follows:

COUNT I – Violation of Stambaugh’s Rights to Due Process Pursuant to 42 U.S.C. § 1983

COUNT II – Violation of Stambaugh’s Rights to Due Process Guaranteed by Article I, Section 1, of the Pennsylvania Constitution

COUNT III – Violation of Stambaugh’s Rights to Equal Protection Pursuant to 42 U.S.C. § 1983

COUNT IV – Violation of Stambaugh’s Rights to Equal Protection Guaranteed by Article I, Section 1 and 26, and Article III, Section 32 of the Pennsylvania Constitution

COUNT V – Conspiracy

COUNT VI – Violation of the Pennsylvania Municipality Authorities Act

COUNT VII – Tortious Interference with Existing Contractual Relationships

6. In order to thoroughly review each of these complex Counts against each of the five Defendants and assess the applicable affirmative defenses, Defendants requested of Plaintiff an extension of time for an additional ten (10) business days to respond to the Complaint.

7. Plaintiff’s counsel denied this reasonable request.

8. Accordingly, Defendants respectfully request that this Court enter an order extending the time for Defendants to file their response to Plaintiff's Complaint until May 19, 2000.

9. Plaintiff will not be harmed by the granting of this motion.

WHEREFORE, Defendants Susquehanna Area Regional Airport Authority, BAA Harrisburg, Inc., David Fleet, David Holdsworth, and David C. McIntosh respectfully request that this Court order that Defendants' Response to Plaintiff's Complaint is due on or before May 19, 2000.

Respectfully Submitted,

~~RHOADS & SINON LLP~~

By: 

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Attorneys for Defendants

Date: April 26, 2000

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

STAMBAUGH'S AIR SERVICE, INC., :

Plaintiff :

v. :

CASE NO. 1:CV-00-0660

SUSQUEHANNA AREA REGIONAL :

AIRPORT AUTHORITY, BAA :

HARRISBURG, INC., DAVID FLEET, :

individually, DAVID HOLDSWORTH, :

individually, and DAVID C. MCINTOSH, :

individually, :

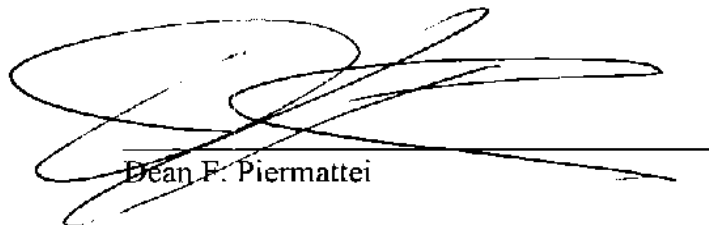
Defendants

Judge Yvette Kane

Magistrate Judge J. Andrew Smyser

CERTIFICATE OF NON-CONCURRENCE

I, Dean F. Piermattei, Esquire, counsel for Defendants Susquehanna Area Regional Airport Authority, BAA Harrisburg, Inc., David Fleet, David Holdsworth, and David C. McIntosh, hereby certify that I have contacted Brian P. Downey, Esquire, counsel for Plaintiff in the above-captioned action, on or about April 24, 2000, to seek his concurrence in Defendants' Motion for Extension of time. I further certify that Mr. Downey did not concur in Defendants' Motion.



Dean F. Piermattei

Dated: April 26, 2000

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2000, a true and correct copy of the foregoing Motion for Extension of Time was served by means of United States mail, first class, postage prepaid, upon the following:

Thomas B. Schmidt, III, Esquire
Brian P. Downey, Esquire
Randy L. Varner, Esquire
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Pauline E. McGowan